

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

CRP.No. 887 of 2007

**AGAINST THE ORDER DATED 06/02/2007 IN OS.29/1999 IN E.P. 1176/2004 OF
PRL.MUNSIFF COURT,THRISSUR**
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REVN. PETITIONER/3RD JUDGEMENT DEBTOR:

**C.VENUGOPALAN, S/O LAKSHMIKUTTY AMMA,
CHANGARANGATH HOUSE, PAMPUR DESOM,
KUTTUR VILLAGE, THRISSUR.**

BY ADV. SRI.DILIP J. AKKARA.

RESPONDENTS/DECREE HOLDER, 1ST & 2ND JUDGMENT DEBTORS:

- 1. SOUMYA KURIES & LOANS(P) LTD.,
ROUND SOUTH, THRISSUR.**
- 2. PREETHI PRADEEP, W/O NJATTUVETIL
PRADEEP, KUTTANELLUR DESOM, OLLUR VILLAGE,
THRISSUR.**
- 3. N.K.PRADEEP, S/O NJATTUVETIL KUMARAN,
KUTTANELLUR DESOM, OLLUR VILLAGE, THRISSUR.**

BY

**THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 08/10/2007,THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

M.N.KRISHNAN, J

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C.R.P. No.887 OF 2007

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Dated this the 8th day of October 2007

ORDER

This revision petition is preferred against the order of the Principal Munsiff's Court, Thrissur in E.P.No.1176/2004 in O.S.No.29 of 1999, whereby it had directed 10 cents of property belonging to the 3rd judgment debtor to be sold in auction. Learned counsel for the petitioner has brought to my notice the judgment passed in O.S.No.29 of 1999. As per the said judgment, the plaintiff is directed to realise the suit amount from defendants 1 and 2 and their assets first. If that amount is not sufficient to satisfy the decree debt, then only he can proceed against the petitioner-3rd defendant. It is contended by the petitioner that without complying with the direction given by the court below, only the property of the 3rd defendant is proceeded against which is directly against the judgment. Therefore I feel that the order passed by the learned Munsiff requires interference.

Therefore, I set aside the judgment in O.S.No.29/1999 and direct the execution court to consider the objection raised by the 3rd judgment debtor and dispose of the matter in accordance with law. Since I am disposing of

the matter at the admission stage itself, the court below shall proceed further in the matter after giving notice to all the parties concerned.

C.R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-